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07-CV-00571-ORD

9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

12 EUGENE D. CARPER,

Case No. C07-571-JLR

13 Plaintiff,

ORDER OF DISMISSAL

14 v.

15 WASHINGTON STATE
16 DEPARTMENT OF CORRECTIONS, et
17 al.,

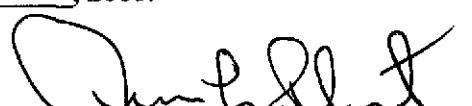
Defendants.

18
19 The Court, having reviewed plaintiff's 42 U.S.C. § 1983 civil rights complaint, the
20 Report and Recommendation of the Honorable James P. Donohue, and the balance of the
21 record, does hereby find and ORDER:

- 22 (1) The Court adopts the Report and Recommendation;
23 (2) Defendants' motion for summary judgment, Dkt. 81, is GRANTED;
24 (3) This action is DISMISSED with prejudice as to plaintiff's Eighth Amendment
25 claims and without prejudice as to plaintiff's medical malpractice claims; and

1 (4) The Clerk is directed to send copies of this Order to the plaintiff, counsel for the
2 defendants, and to the Honorable James P. Donohue.

3 DATED this 22 day of August, 2011.

4 
5 JAMES L. ROBART
6 United States District Judge